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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------------|
| 10/687,244 | 10/16/2003 | Naveen Sharma | A2485-US-NP XERZ 2 01275 | 9408 |
| 7590 08/22/2007 Patrick R. Roche FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2579 | | | EXAMINER PRICE, NATHAN E | |
| | | | ART UNIT 2194 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,244

Applicant(s)

SHARMA ET AL.

Examiner

Nathan Price

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
JURY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to communications received 7 June 2007. Claims 22 – 26 are pending. Previous objections and rejections not included in this Office Action have been withdrawn.

Response to Arguments

2. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukaiyama et al. (US 6631407 B1; "Mukaiyama") in view of Baller et al. (US 7254601 B2; "Baller").

5. As to claim 22, Mukaiyama teaches a distributed image processing system including an asset managing system 200 comprising asset management and service applications 220, a services host system 310 including subscribable service applications 320, and an imaging device 110 wherein the asset managing system, service host system and imaging device are in network communication (abstract), and further including:

a device model agent (DMA) module disposed within the imaging device (abstract) including:

a first DMA application for monitoring imaging device events and prescribing corresponding actions (col. 1 line 60 – col. 2 line 7; col. 7 line 39 – col. 8 line 11); and

a service manager application for selectively executing applications and facilitating interactive communication wherein the DMA module enables imaging device active participation in the service applications (col. 1 line 60 – col. 2 line 7; col. 7 line 31 – col. 8 line 11).

6. Mukaiyama fails to specifically teach a second DMA application as claimed.

However, Baller teaches a second DMA application for performing dynamic updates of executable imaging device services (col. 8 lines 18 – 49). Combined, the references teach a service manager application for selectively executing the first and second DMA applications and facilitating interactive communication with the asset managing system and services host system wherein the DMA module enables imaging device active participation in the service applications (Mukaiyama: Figs. 3, 4; col. 1 line 60 – col. 2 line 7; col. 7 line 31 – col. 8 line 11; Baller: col. 8 lines 18 – 49; col. 10 line 42 – col. 11 line 55). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both are directed towards managing remote devices.

7. As to claim 23, the references teach the prescribed corresponding actions include publishing service application data and invoking diagnostic service routines (Mukaiyama: Figs. 3, 4; col. 1 line 60 – col. 2 line 7; col. 7 line 31 – col. 8 line 11; Baller: col. 8 lines 18 – 49; col. 10 line 42 – col. 11 line 55).

8. As to claim 24, Baller teaches the executable imaging device services include adding new service components that can be selectively initiated by the imaging device itself (Fig. 2; col. 10 line 42 – col. 12 line 7).

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9. As to claim 25, Baller teaches the service manager comprises a standards-based tool set common to a plurality of DMA modules respectively disposed in a plurality of imaging devices within the distributed image processing system (col. 5 lines 27 – 38; col. 10 line 42 – col. 12 line 7).

10. As to claim 26, Baller teaches the DMA module comprises an infrastructure for image device service applications independent of imaging device resources (col. 10 line 42 – col. 11 line 55).

Conclusion

11. The prior art made of record on the P.T.O. 892 that has not been relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP


SUPERVISORY PATENT EXAMINER